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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Application Branch
LEWIS B. ARONSON et al.)
Serial No. 09/521,639)
Filed: March 8, 2000)
For: Fiber Optic Laser Transmitter) October 3, 2001
With Reduced near End Reflections)

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COMMUNICATION CONCERNING MISSING PARTS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
AND
ALTERNATIVE PETITION TO REVIVE

No response
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This communication is in response to a telephone message from Linda Hallman (703 308-7638) on September 19, 2001, saying that a notice of abandonment would be sent on this application. Several attempts to contact Ms. Hallman by telephone to obtain clarification have been unsuccessful.

Upon review of our file we found several items that probably bear directly on the status of this application. First, we found a Notice of Missing Parts in the file, attached behind the filing receipt. Apparently this Notice was not seen when it came in, was not docketed, and thus was not responded to. However, the original filing appears to have been complete.

Second, we found in the file the filing receipt, indicating that no filing fee was received.

Third, we found in our files evidence that the USPTO did in fact receive authorization to charge filing fee for this application against deposit account 16-1150, and that this account had more than sufficient funds in it during the relevant time period.

Enclosing are copies the following items:

1. Documents included with the original filing of this application:
 - A. Transmittal, including deposit account authorization
 - B. Signed declaration by inventors
 - C. Verified Statement Claiming Small Entity Status
 - D. Postcard stamped by USPTO
2. Documents sent by USPTO
 - A. Replacement Filing Receipt
 - B. Notice of File Missing Parts
3. Deposit Account Records for Deposit Account 16-1150
 - A. Portions of the March 2000 "Monthly Statement of Deposit Account" showing that Deposit Account 16-1150 contained sufficient funds to cover the filing fee in this application during the four business days (October 9, 10, 13, 14) when the application should most likely have been processed by the OIPE. Further, analysis of the March 2000 Monthly Statement indicates that on every day in March 2000 there were sufficient funds to cover payment of the filing fee for this application.
 - B. One page of the April 2000 "Monthly Statement of Deposit Account" showing that Deposit Account 16-1150 was charged \$40 on April 11, 2000, for an assignment recording fee.

We respectfully request that any Notice of Abandonment be withdrawn and that the application proceed to examination.

ALTERNATIVE PETITION TO REVIVE

In the event that the USPTO holds the application to have been abandoned in spite of the evidence presented in this communication, the applicant petitions for revival of the application under 37 CFR 1.137(b). Abandonment of the application, if in fact it was abandoned, was unintentional. The entire delay in filing the required reply until the filing of this communication and petition was unintentional. In particular, it took a couple of weeks to locate and assemble the information included herein.

Please charge all filing fees, petition fees and other fees that may be required to be paid in this matter to deposit account 16-1150 (9775-0031-999). A copy of this page is enclosed for such purpose.

Respectfully submitted,

By:



Gary S. Williams, Reg. No. 31,066

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